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10/628,678	07/28/2003	John R. Applin	200206915	4500

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EXAMINER	
RUTLEDGE, AMELIA L	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/628,678	APPLIN, JOHN R.	
	Examiner	Art Unit	
	Amelia Rutledge	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: original application, filed 07/28/2003.

2. Claims 1-32 are pending in the case. Claims 1, 17, 22, 23, and 32 are independent claims.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-5, 9-14, and 32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding independent claim 1, claim 1 is non-statutory because it is at best directed to software *per se* and as such, does not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which would permit the computer program's functionality to be realized. In contrast, a computer-readable medium encoded with a computer program or computer software is a computer element which defines structural and functional interrelationships between the computer software and the rest of the computer which permit the software or computer program's functionality to be realized, and would thus be statutory. Therefore, claim 1 claims software *per se* not capable of causing functional change in the computer.

As claimed, claim 1 is directed to software *per se*, because claim 1 recites "*a web page management system, comprising: a change management subsystem...; and an assembly subsystem...*" Applicant's Specification, p. 7, par. 0034, and p. 15-18 discloses that the change management application, i.e., change management subsystem recited in claim 1, is a software application. Applicant's Specification, p. 23, par. 0093 discloses that the assembly subsystem uses a script to assemble web pages, and therefore is a software application. As claimed, all of the elements of the system are implemented in software and do not claim structural and functional interrelationships between the computer software and the rest of the computer, the computer hardware.

Regarding dependent claims 2-5 and 9-14, claims 2-5 and 9-14 are rejected because they add nothing to render the claimed subject matter statutory.

Regarding independent claim 32, claim 32 is non-statutory because it is directed to nonfunctional descriptive material *per se*. Claim 32 recites "*A web page, comprising: a component database including a plurality of components...; and a web page, including a parameter....*" Nonfunctional descriptive material includes but is not limited to music, literary works and a compilation or mere arrangement of data. In this case, claim 32 recites a compilation or mere arrangement of data.

Further, claim 32 does not define any structural and functional interrelationships between the claim elements and other elements of a computer, i.e., computer hardware, which would permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Jammes et al. (hereinafter "Jammes"), U.S. Patent No. 6,484,149 B1, issued November 2002.**

In regard to independent claim 1, Jammes teaches a web page management system, comprising a change management subsystem, providing for a plurality of components and a parameter; since Jammes teaches a system and method for designing and operating an electronic store to permit web page information to be extracted on demand from a product inventory database and permit web pages to be automatically customized to fit shopping behaviors of individual consumers (Abstract; col. 43, l. 23-col. 44, l. 60). Jammes teaches a change management subsystem providing for a plurality of components and a parameter since Jammes discloses creating customized web pages containing components, such as templates and database query scripts, and parameters, such as the result sets of the query (col. 16, l. 50-col. 17, l. 26; col. 45, l. 16-col. 47, l. 5).

Jammes discloses an assembly subsystem providing for the creation of a web page from a subset of said plurality of components selectively identified using said parameter, since Jammes teaches dynamically creating and assembling a web page based on a user request, from a subset of the components selectively identified using the parameters, i.e., data retrieved from the query (col. 45, l. 16-col. 47, l. 5; col. 47, l. 5-65). Jammes teaches a detailed method of automatic customization of web pages for particular customers based on shopping behaviors (col. 48, l. 31-col. 55, l. 20, especially col. 55, l. 5-20), where data records for each customer ID are extracted to dynamically create web pages to present preferred products to individual customers.

Regarding dependent claim 2, Jammes teaches that the assembly subsystem provides for the dynamic creation of said web page from said components and from said parameter at the time said web page is invoked through a user interface, since Jammes teaches dynamically creating and assembling a web page based on a user request, from a subset of the components and the parameter, i.e., templates and data retrieved from the query (col. 45, l. 16-col. 47, l. 5; col. 47, l. 5-65). Jammes teaches a detailed method of automatic customization of web pages for particular customers based on shopping behaviors (col. 48, l. 31-col. 55, l. 20, especially col. 55, l. 5-20), where data records for each customer ID are extracted to dynamically create web pages to present preferred products to individual customers.

Regarding dependent claim 3, Jammes teaches that the plurality of components is a plurality of executable programs, since Jammes teaches a plurality of database query scripts which are transaction commands to the web server, which in

turn issues the commands to a relational database server (col. 8, l. 20-67). Jammes teaches additional page components which are executable programs (col. 12, l. 11-44).

Regarding dependent claim 4, Jammes teaches that the change management subsystem further includes a plurality of parameters, since Jammes discloses a plurality of parameters, such as the result sets of the query (col. 16, l. 50-col. 17, l. 26; col. 45, l. 16-col. 47, l. 5).

Regarding dependent claim 5, Jammes teaches that the assembly subsystem provides for the dynamic creation of the web page from at least two parameters from said plurality of parameters, since Jammes teaches dynamically creating and assembling a web page based on a user request, using the parameters, i.e., data retrieved from the query (col. 45, l. 16-col. 47, l. 5; col. 47, l. 5-65). Jammes teaches a detailed method of automatic customization of web pages for particular customers based on shopping behaviors (col. 48, l. 31-col. 55, l. 20, especially col. 55, l. 5-20), where data records for each customer ID are extracted to dynamically create web pages to present preferred products to individual customers.

Regarding dependent claims 6-8, Jammes teaches that the parameter is received from a user interface (col. 16, l. 42-col. 17, l. 27; col. 13, l. 25-55). Jammes discloses an internal user interface, since Jammes discloses a Merchant Workbench enhanced web browser to permit a merchant to design an electronic store over the internet (col. 9, l. 53-col. 10, l. 9). In addition to the internal user interface, Jammes also discloses an external user interface in the form of a standard web browser on a consumer computer (col. 9, l. 1-45). Jammes discloses that both the internal and

external user interface may perform queries and retrieve parameters (col. 9, l. 9-36), since the consumer may access preferred products via database query and the merchant may also perform database queries.

Regarding dependent claim 9, Jammes teaches that the parameter may be a version identifier (col. 12, l. 19-28, especially l. 25).

Regarding dependent claim 10, Jammes teaches that the parameter may be a date (col. 38, l. 60-64, especially l. 62).

Regarding dependent claims 11 and 12, Jammes teaches that the assembly subsystem invokes a script to create said web page (col. 42, l. 37-col. 43, l. 12; col. 43, l. 38-63), and that the script may be a cgi-bin script (col. 7, l. 40-50).

Regarding dependent claim 13, Jammes teaches that the assembly subsystem provides for the creation of a plurality of web pages (col. 55, l. 65-col. 56, l. 16).

Regarding dependent claim 14, Jammes teaches that the plurality of components includes a first component and a second component, wherein said first component is an older version of said second component, since Jammes teaches an HTML page engine which dynamically creates hyperlink tags, i.e., page components, by combining index values from the template ID and the database, i.e., an index storing a plurality of addresses accessible to said plurality of links (col. 53, l. 18-37; col. 55, l. 20-col. 56, l. 16). The hyperlink components are created after a database query is performed and a parameter value is retrieved (col. 55, l. 20-col. 56, l. 16). Jammes teaches a first component and a prior version of said first component, since Jammes teaches extracting consumer page data records and constructing hyperlink tags of

preferred products based on the data records and database (col. 55, l. 20-col. 56, l. 16), and Jammes teaches accessing different versions of hyperlinks and consumer data.

Regarding dependent claim 15, Jammes teaches that the system further comprises a plurality of links and an index, wherein said index provides for storing a plurality of addresses accessible to said plurality of links, since Jammes teaches an HTML page engine which dynamically creates hyperlink tags by combining index values from the template ID and the database, i.e., an index storing a plurality of addresses accessible to said plurality of links (col. 53, l. 18-37).

Regarding dependent claim 16, Jammes teaches a plurality of web pages, wherein said plurality of links invoke said plurality of web pages through at least one address stored in said index, since Jammes teaches an HTML page engine which dynamically creates hyperlink tags by combining index values from the template ID and the database, i.e., an index storing a plurality of addresses accessible to said plurality of links (col. 53, l. 18-37).

In regard to independent claim 17, Jammes teaches a web page management system comprising a plurality of web pages (col. 8, l. 20-24); a web server (col. 8, l. 34-45); a parameter and a script (col. 45, l. 49-col. 46, l. 7); and a plurality of components (col. 8, l. 11-67); since Jammes teaches a system and method for designing and operating an electronic store to permit web page information to be extracted on demand from a product inventory database and permit web pages to be automatically customized to fit shopping behaviors of individual consumers (Abstract; col. 43, l. 23-col. 44, l. 60).

Jammes teaches dynamically creating and assembling a web page based on a user request, from a subset of the components selectively identified using the parameters, i.e., data retrieved from the query script and query (col. 45, l. 16-col. 47, l. 5; col. 47, l. 5-65). Jammes teaches a plurality of database query scripts and page scripts (col. 45, l. 49-col. 46, l. 7), which contain transaction commands to the web server, which in turn issues the commands to a relational database server (col. 8, l. 20-67).

Jammes teaches that the web server provides for the creation of said plurality of web pages from a subset of components selectively identified with said parameter (col. 8, l. 11-67); since Jammes discloses creating customized web pages containing components, such as templates and database query scripts, and parameters, such as the result sets of the query (col. 16, l. 50-col. 17, l. 26; col. 45, l. 16-col. 47, l. 5). Jammes teaches that said script provides for the assembly of said plurality of web pages from said subset of selectively identified components, since Jammes teaches a plurality of database query scripts which are transaction commands to the web server, which in turn issues the commands to a relational database server (col. 8, l. 20-67).

Regarding dependent claim 18, Jammes teaches that the script may be a cgi-bin script (col. 7, l. 40-50).

Regarding dependent claim 19, Jammes teaches that the web server includes a change management application, wherein the change management application provides for the dynamic creation of said plurality of web pages through the invocation of said script, since Jammes teaches a plurality of database query scripts and page

scripts (col. 45, l. 49-col. 46, l. 7), which are transaction commands to the web server, which in turn issues the commands to a relational database server (col. 8, l. 20-67). Jammes teaches a system and method for designing and operating an electronic store to permit web page information to be extracted on demand from a product inventory database and permit web pages to be automatically customized to fit shopping behaviors of individual consumers (Abstract; col. 43, l. 23-col. 44, l. 60).

Regarding dependent claim 20, Jammes implicitly discloses that each component in said plurality of components includes a checkout status, since Jammes teaches the use of versioned control references for components, using a tree structure (col. 11, l. 11-col. 14, l. 18), which allows for the registration and versioning of event driven computer applications, and would enable setting properties for a component including check out status. For example, Jammes discloses the use of standard HTML authoring systems such as Microsoft Visual Interdev TM (col. 9, l. 31-44), which at the time of the invention included a checkout status for web components.

Regarding dependent claim 21, Jammes teaches a centralized index of addresses and a plurality of links, wherein said index of addresses determine the web pages pointed to by said plurality of links, since Jammes teaches an HTML page engine which dynamically creates hyperlink tags by combining index values from the template ID and the database, i.e., an index storing a plurality of addresses accessible to said plurality of links (col. 53, l. 18-37).

In regard to independent claim 22, Jammes teaches a web site management system, comprising: interface means providing for the capture of input characteristics;

since Jammes discloses a Merchant Workbench enhanced web browser to permit a merchant to design an electronic store over the internet (col. 9, l. 53-col. 10, l. 9). In addition to the internal user interface, Jammes also discloses an external user interface in the form of a standard web browser on a consumer computer (col. 9, l. 1-45). Jammes discloses that both the internal and external user interface may perform queries and retrieve parameters (col. 9, l. 9-36), since the consumer may access preferred products via database query and the merchant may also perform database queries.

Jammes teaches change management means providing for the storing of a plurality of components and a plurality of parameters; and assembly means providing for the creation of a web page from a subset of said plurality of components and a subset of said plurality of parameters, because Jammes teaches a system and method for designing and operating an electronic store to permit web page information to be extracted on demand from a product inventory database and permit web pages to be automatically customized to fit shopping behaviors of individual consumers (Abstract; col. 43, l. 23-col. 44, l. 60). J

Jammes teaches dynamically creating and assembling a web page based on a user request, from a subset of the components selectively identified using the parameters, i.e., data retrieved from the query script and query (col. 45, l. 16-col. 47, l. 5; col. 47, l. 5-65).. Jammes teaches a plurality of database query scripts and page scripts (col. 45, l. 49-col. 46, l. 7), which contain transaction commands to the web

server, which, in turn issues the commands to a relational database server (col. 8, l. 20-67).

Jammes teaches that the subset of parameters is selectively identified using said input characteristics; and that the subset of components is selectively identified using said subset of parameters, because Jammes teaches that consumers may use the browser interface and the system retrieves input characteristics from the browser; for example the web site of the electronic store supplies customized data for each customer based on the past history of customer input characteristics (col. 53, l. 10-col. 54, l. 56).

Regarding dependent claim 23, Jammes teaches accessing a component database including a plurality of components, wherein said plurality of components includes a first component and a prior version of said first component; since Jammes teaches an HTML page engine which dynamically creates hyperlink tags, i.e., page components, by combining index values from the template ID and the database, i.e., an index storing a plurality of addresses accessible to said plurality of links (col. 53, l. 18-37; col. 55, l. 20-col. 56, l. 16). The components are created after a database query is performed and a parameter value is retrieved (col. 55, l. 20-col. 56, l. 16). Jammes teaches a first component and a prior version of said first component, since Jammes teaches extracting consumer page data records and constructing hyperlink tags of preferred products based on the data records and database (col. 55, l. 20-col. 56, l. 16), and Jammes teaches accessing different versions of hyperlinks and consumer data.

Regarding dependent claim 24, Jammes teaches invoking a script to create said web page (col. 42, l. 37-col. 43, l. 12; col. 43, l. 38-63), and that the script may be a cgi-bin script (col. 7, l. 40-50).

Regarding dependent claim 25, Jammes teaches setting the parameter through a user interface, since Jammes discloses a Merchant Workbench enhanced web browser to permit a merchant to design an electronic store over the internet (col. 9, l. 53-col. 10, l. 9). In addition to the internal user interface, Jammes also discloses an external user interface in the form of a standard web browser on a consumer computer (col. 9, l. 1-45). Jammes discloses that both the internal and external user interface may perform queries and retrieve parameters (col. 9, l. 9-36), since the consumer may access preferred products via database query and the merchant may also perform database queries.

Regarding dependent claim 26, Jammes teaches retrieving address data from an index for a link, since Jammes teaches an HTML page engine which dynamically creates hyperlink tags, i.e., page components, by combining index values from the template ID and the database, i.e., an index storing a plurality of addresses accessible to said plurality of links (col. 53, l. 18-37; col. 55, l. 20-col. 56, l. 16).

Regarding dependent claim 27, Jammes teaches that at least 75% of the components in said plurality of components are executable programs, because Jammes teaches a plurality of database query scripts which are transaction commands to the web server, which in turn issues the commands to a relational database server (col. 8, l.

20-67). Jammes teaches additional page components which are executable programs (col. 12, l. 11-44).

In other words, since Jammes teaches retrieving address data from an index for a link, and since Jammes teaches an HTML page engine which dynamically creates hyperlink tags, i.e., page components, by combining index values from the template ID and the database, i.e., an index storing a plurality of addresses accessible to said plurality of links (col. 53, l. 18-37; col. 55, l. 20-col. 56, l. 16), Jammes implicitly discloses that all of the components are executable programs, since the HTML page engine is an executable program and the scripts are executable programs.

Regarding dependent claim 28, Jammes teaches modifying one component, and extracting the modified component in a dynamic manner upon receipt of an invocation of said web page from a user interface, since Jammes teaches retrieving address data from an index for a link, and Jammes teaches an HTML page engine which dynamically creates hyperlink tags, i.e., page components, by combining index values from the template ID and the database, i.e., an index storing a plurality of addresses accessible to said plurality of links (col. 53, l. 18-37; col. 55, l. 20-col. 56, l. 16). Jammes discloses that both the internal and external user interface may perform queries and retrieve parameters (col. 9, l. 9-36), since the consumer may access preferred products via database query and the merchant may also perform database queries.

Regarding dependent claim 29, Jammes teaches that the web page includes links pointing to a foreign web page residing on a foreign web server (col. 8, l. 34-45)

since Jammes discloses communicating with a web server either on a local area network or externally via the world wide web.

Regarding dependent claim 30, Jammes teaches retrieving the parameter from a user interface, since Jammes discloses that both the internal and external user interface may perform queries and retrieve parameters (col. 9, l. 9-36), since the consumer may access preferred products via database query and the merchant may also perform database queries.

Regarding dependent claim 31, Jammes teaches that at least one web page in said plurality of web pages is both a source web page and a target web page, since Jammes teaches a drag and drop interface where each page contains drag sources and drop targets (col. 15, l. 39-67). Additionally, Jammes teaches that each web page may be both a source and target for data modification since Jammes discloses that both the internal and external user interface may perform queries and retrieve parameters (col. 9, l. 9-36), since the consumer may access preferred products via database query and the merchant may also perform database queries.

In regard to independent claim 32, Jammes teaches a web page, comprising a component database including a plurality of components, since Jammes teaches a system and method for designing and operating an electronic store to permit web page information to be extracted on demand from a product inventory database and permit web pages to be automatically customized to fit shopping behaviors of individual consumers (Abstract; col. 43, l. 23-col. 44, l. 60). Jammes teaches a web page, including a parameter, wherein said parameter is used to select a subset of said

plurality of components for said web page, since Jammes discloses creating customized web pages containing components, such as templates and database query scripts, and parameters, such as the result sets of the query (col. 16, l. 50-col. 17, l. 26; col. 45, l. 16-col. 47, l. 5).

Jammes teaches that the plurality of components includes a first component and a prior version of said first component; since Jammes teaches an HTML page engine which dynamically creates hyperlink tags, i.e., page components, by combining index values from the template ID and the database, i.e., an index storing a plurality of addresses accessible to said plurality of links (col. 53, l. 18-37; col. 55, l. 20-col. 56, l. 16). The components are created after a database query is performed and a parameter value is retrieved (col. 55, l. 20-col. 56, l. 16). Jammes teaches a first component and a prior version of said first component, since Jammes teaches extracting consumer page data records and constructing hyperlink tags of preferred products based on the data records and database (col. 55, l. 20-col. 56, l. 16), and Jammes teaches accessing different versions of hyperlinks and consumer data.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fraternali et al., "Model-Driven Development of Web Applications: The Autoweb System", ACM Transactions on Information Systems, Vol. 28, No. 4, October 2000, p. 323-382.

Discloses dynamic generation of web applications using components.

Tabuchi U.S. Patent No. 6,212,533 B1 issued April 2001

Discloses hyper-media document management system with virtual link manager.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR

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